

### **REMARKS**

Applicant thanks the Office for the Office Action of September 21, 2008. Claims 1- 16 are pending in the application. The Office has rejected claims 1-12, 14 and 16. Claims 1-12 are cancelled. Claims 13 and 15 are objected to as being dependent upon a rejected claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 13 and 15 have been amended to overcome the claim objections set forth in this Office action. Applicant thanks the Office for acknowledging at least these allowed claims. Amended claims 14 and 16 depend from amended claims 13 and 15 and include further limitations from original claims 14 and 16. New claims 25-28 depend from amended claims 13 and 15 and include further limitations from original claims 14 and 16. No new matter is added. Applicant's remarks from previous office action response dated September 24, 2008 are herein incorporated in their entirety by reference.

### **Priority Claim**

Applicant requests that the Office acknowledge the amended claim of priority under 35 USC Section 120 and 35 USC Section 119(e). The present application is a U.S. National Phase of PCT Application No. PCT/US03/17377, filed 6/2/2003, which claims the benefit of U.S. Provisional Application No. 60/427,495, filed 11/19/02.

### **Information Disclosure Statements**

Applicant thanks the Office review of the Information Disclosure Statements submitted on 12/15/2005, 11/29/2006 and 11/18/2008.

### **Drawings**

Applicant thanks the Office for accepting the drawings submitted on 03/24/2005.

### **Election/Restriction**

Applicant thanks the Office for acknowledging election to prosecute the invention of Group I, claims 1-16 in Applicant's reply filed 11/18/2008.

**Claim Rejection 35 USC § 112**

The Office has rejected claim 12 for insufficient antecedent basis for the limitation "each of the requesting-to-send modems" in line 8 of the claim. Applicant has amended the claims to address this.

Amended claim 13 contains this limitation from canceled claim 12. Claim 13 includes the amendment replacing 'terminals' with 'modems'. The resultant claim reads:

"... two or more **modems** simultaneously transmitting on a single channel requests-to-send (RTS) messages to a first set of destination modems;

simultaneously receiving clear-to-send (CTS) messages from the first set of destination modems at each of the requesting-to-send modems..."

**Claim Rejection 35 USC § 103**

The Office has quoted the statute from 35 USC § 103(a). The Office has rejected claims 1-16 as being unpatentable over SCHIELTZ (US 5,659,787) in view of other references. In Office Action paragraph 7, claims 13 and 15 are objected to as being dependent upon a rejected claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has carefully considered the Office rejections and respectfully submits that the amended claims are distinguishable from the cited references. Without prejudice or acquiescence to the rejections and conclusions by the Office, the Applicant has amended the claims to incorporate subject matter deemed allowable by the Office thereby traversing the rejections. Applicant requests reconsideration and allowance of all presented claims.

Applicant has amended independent claim 13 to include all of the limitations from claim 12. Applicant has amended independent claim 15 to include all of the limitations from base

claim 12 and intervening claim 14. Claims 14, 16, and new claims 25–28 depend from amended claims 13 and 15 and should be in allowable format. No new matter is added.

Specifically, amended claim 14 depends from amended claim 13 and includes further limitations of original claim 14. Amended claim 16 depends from amended claim 13 and includes further limitations of original claim 16. Claim 25 depends from amended claim 14 (depended from amended claim 13) and includes further limitations of original claim 14. Claim 26 depends from amended claim 14 and includes further limitation of original claim 16. Claim 27 depends from amended claim 15 (depended from amended claim 13) and includes further limitation of original claim 16. Claim 28 depends from claim 25 (depended from amended claim 13) and includes further limitation of original claim 16. Applicant has canceled claims 1-12.

Applicant believes the above amendments and remarks to be fully responsive to the Office Action, thereby placing this application in condition for allowance. No new matter is added. Applicant requests speedy reconsideration, and further requests that Examiner contact its attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

Respectfully submitted,

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